

AMENDED IN SENATE APRIL 30, 2002

SENATE BILL

No. 1636

Introduced by Senator Figueroa

*(Coauthors: Assembly Members Aroner, Bill Campbell, Harman,
Koretz, and Longville)*

February 21, 2002

An act to amend Sections 65088, 65088.1, and 65089 of, and to add Section 65088.4 to, the Government Code, relating to congestion management.

LEGISLATIVE COUNSEL'S DIGEST

SB 1636, as amended, Figueroa. Congestion management: transportation: congestion management programs.

Existing law requires the development, adoption, and updating of a congestion management program for each county that includes an urbanized area, as defined. The plan is required to contain specified elements and to be submitted to regional agencies, as defined, for determination of whether the program is consistent with regional transportation plans. The regional agency is then directed to monitor the implementation of all elements of each congestion management program.

This bill would define an infill opportunity zone for purposes of the above-described provisions to mean a specific area designated by a city or county as a target for new compact residential, retail, or commercial development within $\frac{1}{3}$ mile of ~~frequent mass transit services~~ *specified transportation sites* in counties with a population of over 400,000. It would also exempt an infill opportunity zone from the level of service standards specified in the above-described provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65088 of the Government Code is
2 amended to read:
3 65088. The Legislature finds and declares all of the
4 following:
5 (a) Although California's economy is critically dependent
6 upon transportation, its current transportation system relies
7 primarily upon a street and highway system designed to
8 accommodate far fewer vehicles than are currently using the
9 system.
10 (b) California's transportation system is characterized by
11 fragmented planning, both among jurisdictions involved and
12 among the means of available transport.
13 (c) The lack of an integrated system and the increase in the
14 number of vehicles are causing traffic congestion that each day
15 results in 400,000 hours lost in traffic, 200 tons of pollutants
16 released into the air we breathe, and three million one hundred
17 thousand dollars (\$3,100,000) added costs to the motoring public.
18 (d) To keep California moving, all methods and means of
19 transport between major destinations must be coordinated to
20 connect our vital economic and population centers.
21 (e) In order to develop the California economy to its full
22 potential, it is intended that federal, state, and local agencies join
23 with transit districts, business, private and environmental interests
24 to develop and implement comprehensive strategies needed to
25 develop appropriate responses to transportation needs.
26 (f) In addition to solving California's traffic congestion crisis,
27 rebuilding California's cities and suburbs, particularly with
28 affordable housing and more walkable neighborhoods, is an
29 important part of accommodating future increases in the state's
30 population because homeownership is only now available to most
31 Californians who are on the fringes of metropolitan areas and far
32 from employment centers.
33 (g) The Legislature intends to do everything within its power
34 to remove regulatory barriers around the development of infill
35 housing, transit-oriented development, and mixed use commercial

1 development in order to reduce regional traffic congestion and
2 provide more housing choices for all Californians.

3 SEC. 2. Section 65088.1 of the Government Code is amended
4 to read:

5 65088.1. As used in this chapter the following terms have the
6 following meanings:

7 (a) Unless the context requires otherwise, “regional agency”
8 means the agency responsible for preparation of the regional
9 transportation improvement program.

10 (b) Unless the context requires otherwise, “agency” means the
11 agency responsible for the preparation and adoption of the
12 congestion management program.

13 (c) “Commission” means the California Transportation
14 Commission.

15 (d) “Department” means the Department of Transportation.

16 (e) “Local jurisdiction” means a city, a county, or a city and
17 county.

18 (f) “Parking cash-out program” means an employer-funded
19 program under which an employer offers to provide a cash
20 allowance to an employee equivalent to the parking subsidy that
21 the employer would otherwise pay to provide the employee with
22 a parking space. “Parking subsidy” means the difference between
23 the out-of-pocket amount paid by an employer on a regular basis
24 in order to secure the availability of an employee parking space not
25 owned by the employer and the price, if any, charged to an
26 employee for use of that space.

27 A parking cash-out program may include a requirement that
28 employee participants certify that they will comply with
29 guidelines established by the employer designed to avoid
30 neighborhood parking problems, with a provision that employees
31 not complying with the guidelines will no longer be eligible for the
32 parking cash-out program.

33 (g) “Infill opportunity zone” means a specific area designated
34 by a city or county as a target for new compact residential, retail,
35 or commercial development within one-third mile of ~~mass transit~~
36 ~~station services~~ *a site with an existing rail transit station, a ferry*
37 *terminal served by either a bus or rail transit service, an*
38 *intersection of at least three major bus routes, or a bus rapid transit*
39 *corridor; in counties with a population over 400,000.*

1 (h) “Interregional travel” means any trips that originate
2 outside the boundary of the agency. A “trip” means a
3 one-direction vehicle movement. The origin of any trip is the
4 starting point of that trip. A roundtrip consists of two individual
5 trips.

6 (i) “Level of service standard” is a threshold that defines a
7 deficiency on the congestion management program highway and
8 roadway system which requires the preparation of a deficiency
9 plan. It is the intent of the Legislature that the agency shall use all
10 elements of the program to implement strategies and actions that
11 avoid the creation of deficiencies and to improve multimodal
12 mobility.

13 (j) “Multimodal” means the utilization of all available modes
14 of travel that enhance the movement of people and goods,
15 including, but not limited to, highway, transit, nonmotorized, and
16 demand management strategies including, but not limited to,
17 telecommuting. The availability and practicality of specific
18 multimodal systems, projects, and strategies may vary by county
19 and region in accordance with the size and complexity of different
20 urbanized areas.

21 (k) “Performance measure” is an analytical planning tool that
22 is used to quantitatively evaluate transportation improvements and
23 to assist in determining effective implementation actions,
24 considering all modes and strategies. Use of a performance
25 measure as part of the program does not trigger the requirement for
26 the preparation of deficiency plans.

27 (l) “Urbanized area” has the same meaning as is defined in the
28 1990 federal census for urbanized areas of more than 50,000
29 population.

30 (m) “*Bus rapid transit corridor*” means a bus service that
31 includes at least four of the following attributes:

- 32 (1) *Coordination with land use planning.*
- 33 (2) *Exclusive right-of-way.*
- 34 (3) *Improved passenger boarding facilities.*
- 35 (4) *Limited stops.*
- 36 (5) *Passenger boarding at the same height as the bus.*
- 37 (6) *Prepaid fares.*
- 38 (7) *Real-time passenger information.*
- 39 (8) *Traffic priority at intersections.*
- 40 (9) *Signal priority.*

1 (10) *Unique vehicles.*

2 SEC. 3. Section 65088.4 is added to the Government Code, to
3 read:

4 65088.4. (a) It is the intent of the Legislature to balance the
5 need for level of service standards for traffic with the need to build
6 infill housing and mixed use commercial developments within
7 walking distance of mass transit facilities, downtowns, and town
8 centers and to provide greater flexibility to local governments to
9 balance these sometimes competing needs.

10 (b) Notwithstanding any other provision of law, level of service
11 standards described in Section 65089 shall not apply to the streets
12 and highways within an infill opportunity zone ~~designated by the~~
13 ~~city or county~~. The city or county may include these streets and
14 highways under an alternative areawide level of service standard
15 or multimodal composite or personal level of service standard that
16 takes into account both of the following:

17 (1) The broader benefits of regional traffic congestion
18 reduction by siting new residential development within walking
19 distance of, and no more than one-third mile from, mass transit
20 stations, shops, and services, in a manner that reduces the need for
21 long vehicle commutes and improves the jobs-housing balance.

22 (2) Increased use of alternative transportation modes, such as
23 mass transit, bicycling, and walking.

24 (c) Infill opportunity zones may extend beyond current
25 boundaries for redevelopment.

26 SEC. 4. Section 65089 of the Government Code is amended
27 to read:

28 65089. (a) A congestion management program shall be
29 developed, adopted, and updated biennially, consistent with the
30 schedule for adopting and updating the regional transportation
31 improvement program, for every county that includes an
32 urbanized area, and shall include every city and the county. The
33 program shall be adopted at a noticed public hearing of the agency.
34 The program shall be developed in consultation with, and with the
35 cooperation of, the transportation planning agency, regional
36 transportation providers, local governments, the department, and
37 the air pollution control district or the air quality management
38 district, either by the county transportation commission, or by
39 another public agency, as designated by resolutions adopted by the
40 county board of supervisors and the city councils of a majority of

1 the cities representing a majority of the population in the
2 incorporated area of the county.

3 (b) The program shall contain all of the following elements:

4 (1) (A) Traffic level of service standards established for a
5 system of highways and roadways designated by the agency. The
6 highway and roadway system shall include at a minimum all state
7 highways and principal arterials. No highway or roadway
8 designated as a part of the system shall be removed from the
9 system. All new state highways and principal arterials shall be
10 designated as part of the system, except when it is within an infill
11 opportunity zone. Level of service (LOS) shall be measured by
12 Circular 212, by the most recent version of the Highway Capacity
13 Manual, or by a uniform methodology adopted by the agency that
14 is consistent with the Highway Capacity Manual. The
15 determination as to whether an alternative method is consistent
16 with the Highway Capacity Manual shall be made by the regional
17 agency, except that the department instead shall make this
18 determination if either (i) the regional agency is also the agency,
19 as those terms are defined in Section 65088.1, or (ii) the
20 department is responsible for preparing the regional transportation
21 improvement plan for the county.

22 (B) In no case shall the LOS standards established be below the
23 level of service E or the current level, whichever is farthest from
24 level of service A except when the area is in an infill opportunity
25 zone. When the level of service on a segment or at an intersection
26 fails to attain the established level of service standard outside an
27 infill opportunity zone, a deficiency plan shall be adopted pursuant
28 to Section 65089.4.

29 (2) A performance element that includes performance
30 measures to evaluate current and future multimodal system
31 performance for the movement of people and goods. At a
32 minimum, these performance measures shall incorporate highway
33 and roadway system performance, and measures established for
34 the frequency and routing of public transit, and for the
35 coordination of transit service provided by separate operators.
36 These performance measures shall support mobility, air quality,
37 land use, and economic objectives, and shall be used in the
38 development of the capital improvement program required
39 pursuant to paragraph (5), deficiency plans required pursuant to

1 Section 65089.4, and the land use analysis program required
2 pursuant to paragraph (4).

3 (3) A travel demand element that promotes alternative
4 transportation methods, including, but not limited to, carpools,
5 vanpools, transit, bicycles, and park-and-ride lots; improvements
6 in the balance between jobs and housing; and other strategies,
7 including, but not limited to, flexible work hours, telecommuting,
8 and parking management programs. The agency shall consider
9 parking cash-out programs during the development and update of
10 the travel demand element.

11 (4) A program to analyze the impacts of land use decisions
12 made by local jurisdictions on regional transportation systems,
13 including an estimate of the costs associated with mitigating those
14 impacts. This program shall measure, to the extent possible, the
15 impact to the transportation system using the performance
16 measures described in paragraph (2). In no case shall the program
17 include an estimate of the costs of mitigating the impacts of
18 interregional travel. The program shall provide credit for local
19 public and private contributions to improvements to regional
20 transportation systems. However, in the case of toll road facilities,
21 credit shall only be allowed for local public and private
22 contributions which are unreimbursed from toll revenues or other
23 state or federal sources. The agency shall calculate the amount of
24 the credit to be provided. The program defined under this section
25 may require implementation through the requirements and
26 analysis of the California Environmental Quality Act, in order to
27 avoid duplication.

28 (5) A seven-year capital improvement program, developed
29 using the performance measures described in paragraph (2) to
30 determine effective projects that maintain or improve the
31 performance of the multimodal system for the movement of
32 people and goods, to mitigate regional transportation impacts
33 identified pursuant to paragraph (4). The program shall conform
34 to transportation-related vehicle emission air quality mitigation
35 measures, and include any project that will increase the capacity
36 of the multimodal system. It is the intent of the Legislature that,
37 when roadway projects are identified in the program,
38 consideration be given for maintaining bicycle access and safety
39 at a level comparable to that which existed prior to the
40 improvement or alteration. The capital improvement program

1 may also include safety, maintenance, and rehabilitation projects
2 that do not enhance the capacity of the system but are necessary to
3 preserve the investment in existing facilities.

4 (c) The agency, in consultation with the regional agency, cities,
5 and the county, shall develop a uniform data base on traffic impacts
6 for use in a countywide transportation computer model and shall
7 approve transportation computer models of specific areas within
8 the county that will be used by local jurisdictions to determine the
9 quantitative impacts of development on the circulation system that
10 are based on the countywide model and standardized modeling
11 assumptions and conventions. The computer models shall be
12 consistent with the modeling methodology adopted by the regional
13 planning agency. The data bases used in the models shall be
14 consistent with the data bases used by the regional planning
15 agency. Where the regional agency has jurisdiction over two or
16 more counties, the data bases used by the agency shall be
17 consistent with the data bases used by the regional agency.

18 (d) (1) The city or county in which a commercial development
19 will implement a parking cash-out program that is included in a
20 congestion management program pursuant to subdivision (b), or
21 in a deficiency plan pursuant to Section 65089.4, shall grant to that
22 development an appropriate reduction in the parking requirements
23 otherwise in effect for new commercial development.

24 (2) At the request of an existing commercial development that
25 has implemented a parking cash-out program, the city or county
26 shall grant an appropriate reduction in the parking requirements
27 otherwise applicable based on the demonstrated reduced need for
28 parking, and the space no longer needed for parking purposes may
29 be used for other appropriate purposes.

30 (e) Pursuant to the federal Intermodal Surface Transportation
31 Efficiency Act of 1991 and regulations adopted pursuant to the act,
32 the department shall submit a request to the Federal Highway
33 Administration Division Administrator to accept the congestion
34 management program in lieu of development of a new congestion
35 management system otherwise required by the act.

